

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANTHONY MARVIN BOYD,

Plaintiff,

v.

ORDER

Civil No. 08-785 (MJD/FLN)

MICHAEL J. ASTRUE,
Commissioner of Social
Security

Defendant.

Fay E. Fishman, Peterson & Fishman, Counsel for Plaintiff.

Lonnie F. Bryan, United States Attorney's Office, Counsel for Defendant.

This matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel [Docket No. 27]. Plaintiff Anthony Marvin Boyd filed an objection to the Report and Recommendation [Docket No. 28]. Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation.

Accordingly, based upon the files, records, and proceedings herein, **IT IS
HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment [Docket No. 17] is **DENIED**.
2. Defendant's Motion for Summary Judgment [Docket No. 22] is **GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: June 1, 2009

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court